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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,129	12/06/2004	Henry Wurm	026032-4833	6832
23428 7590 07/21/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER IZAGUIRRE, ISMAEL				
ART UNIT		PAPER NUMBER		
3765				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,129

Applicant(s)

WURM, HENRY

Examiner

Ismael Izaguirre

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-70 is/are pending in the application.
- 4a) Of the above claim(s) 57-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-56 and 70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 12/6/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, claims 34-56 and 70, in the reply filed on 4/3/09 is acknowledged. It is also acknowledged that the election was made without traverse.

Claims 57-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/3/09.

CLAIMS

Summary

Claims 1-33 have been cancelled by the preliminary amendment submitted 12/6/04.

Claims 34 and 70 are the independent claims under consideration in this Office Action.

Claims 35-56 are the dependent claims under consideration in this Office Action.

Claims 57-69 are withdrawn from consideration (See above).

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 34-56 and 70 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 34, line 4, the words "to soften the cover material" are unclear. It is unclear if a separate method step was intended here since "softening" is distinct from "moistening". The method step "moistening the cover materials" would logically yield "to moisten the cover material" but not "to soften" the cover material. This is causing confusion in that it is unclear if the "softening" is a direct intended result of the moistening or if there is moistening and softening of the material. Accordingly, the scope of the patent protection desired is unclear. Perhaps, replacing "to soften" by the words "for moistening and softening the cover material" may clear this up. Perhaps introducing a positive softening step would help, as well.

Referring to claims 39-41, 45, 46 and 50-52, these claims include language which is indefinite or confusing in that it is unclear as to whether a method step is intended and as such the scope of the patent protection desired is unclear. The following is submitted for applicant's consideration:

In claims 39 and 40, the words "takes place in" do not set forth a positive method step. If a method step is intended, then "providing" or "heating the air in the moistening chamber..." might help.

In claim 41, the words "by the supply of" do not set forth a positive method step. Perhaps "supplying steam to the treatment chamber for moistening the cover" would help.

In claims 45 and 46, the words "is moistened in" do not set forth a positive method step. Perhaps "moistening the cover material in the..." would help.

In claims 50-52, the words "takes place" do not set forth a positive method step. Perhaps, "drying the cover material..." would help.

In claim 70, the scope of the patent protection desired is unclear. The defining structure of the vehicle component is that it is smooth. It is unclear what structure the drawing force imposes on the component other than simply smoothed. Accordingly, the last two lines are unclear in that they are presented as method steps and not particular defining structure.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34, 41-47, 51 and 55 are rejected under 35 U.S.C. § 102(b) as being anticipated by Estes et al. (5,815,961).

Estes et al. teach an article, in this case a covering material for covering a wearer, and a method of treating a covering material for covering a person. The method comprises the steps of placing the material within a treatment chamber which includes a means for moistening the material. The moisture content is increased by the use of a steam supply and means are provided for providing a drawing force onto the material as it is treated. Estes et al. teach a cabinet 12 including a door 16 for loading and unloading the cabinet with an article to be treated. The article is supported on an

inflatable frame 30. A weighted clamps 77 and clamps 74 which are connected to elastic bands apply a drawing force to the article for extending the material and removing wrinkles. Further, Estes et al. teach the inflatable frame or bag 30 supports the article and presses the article against specific portions of the walls of the cabinet and in doing so the fibers of the articles are drawn or extended for removing wrinkles. Estes et al. teach treating the article with moisture, in this case steam is applied via a moisture generator 44 for a specified amount of time (column 5, lines 45 to 67). Moisture, heat and pressure are applied and cooperate for removing wrinkles from the article being treated. Further, the cabinet includes multiple chambers and is able to accommodate multiple articles (figure 6, for example)

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35, 36, 39, 40 and 48-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes et al.

Estes et al. disclose the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Estes et al. teach treating an article within a cabinet or chamber by providing steam, heat and

pressure. However, Estes et al. do not suggest specific moisture levels or temperatures.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the control of the treatment apparatus of Estes et al. as including proper temperature and moisture content as applied to the article being treated. Providing optimized levels and temperatures would assure the efficient removal of wrinkles from the articles.

Claims 56 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Estes et al.

Estes et al. disclose the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Estes et al. teach treating an article within a cabinet or chamber by providing steam, heat and pressure. Estes et al. teach an inflatable support for the article which subjects the article to a mechanical processing. However, Estes et al. do not specifically suggest the use of brushes or rollers.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the treatment apparatus of Estes et al. as including brushes or rollers for pressing or rubbing the wrinkles from the article. Providing such positive contact with assure the effective removal of wrinkles.

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing

under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

ALLOWABLE SUBJECT MATTER

Claims 37, 38 and 52-54 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tomasi et al. and Maziere et al. illustrate sensing or controlling the moisture content of an article in a dryer. Groom et al. illustrate providing moisture to a towel. Fottner, Fitzpatrick et al.; Wilsker et al. and Frauendorf illustrate article treatment chambers including moistening the article being treated.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/
Primary Examiner, Art Unit 3765